

Senate File 2036 - Enrolled

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SENATE FILE 2036

AN ACT

RELATING TO THE DIVISION OF CRIMINAL AND JUVENILE JUSTICE
PLANNING OF THE DEPARTMENT OF HUMAN RIGHTS BY MAKING
CHANGES TO THE MEMBERSHIP OF THE COUNCIL, PERMITTING
ACCESS TO THE RECORDS OF THE DEPARTMENT OF WORKFORCE
DEVELOPMENT, AND MODIFYING THE SEX OFFENDER TREATMENT
AND SUPERVISION TASK FORCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216A.132, subsection 1, unnumbered
paragraph 1, Code Supplement 2007, is amended to read as
follows:

A criminal and juvenile justice planning advisory council
is established consisting of ~~twenty-two~~ twenty-three members.

Sec. 2. Section 216A.132, subsection 1, paragraph b, Code
Supplement 2007, is amended to read as follows:

b. The departments of human services, corrections, and
public safety, the division on the status of
African-Americans, the Iowa department of public health, the
chairperson of the board of parole, the attorney general, the
state public defender, the governor's office of drug control
policy, and the chief justice of the supreme court shall each
designate a person to serve on the council. The person
appointed by the Iowa department of public health shall be
from the departmental staff who administer the comprehensive
substance abuse program under chapter 125.

Sec. 3. Section 216A.136, unnumbered paragraph 1, Code
2007, is amended to read as follows:

The division shall maintain an Iowa statistical analysis
center for the purpose of coordinating with data resource
agencies to provide data and analytical information to
federal, state, and local governments, and assist agencies in
the use of criminal and juvenile justice data.
Notwithstanding any other provision of state law, unless
prohibited by federal law or regulation, the division shall be
granted access, for purposes of research and evaluation, to
criminal history records, official juvenile court records,
juvenile court social records, and any other data collected or
under control of the board of parole, department of
corrections, department of workforce development, district
departments of correctional services, department of human
services, judicial branch, and department of public safety.
However, intelligence data and peace officer investigative
reports maintained by the department of public safety shall
not be considered data for the purposes of this section. Any
record, data, or information obtained by the division under
this section and the division itself is subject to the federal
and state confidentiality laws and regulations which are
applicable to the original record, data, or information
obtained by the division and to the original custodian of the
record, data, or information. The access shall include but is
not limited to all of the following:

Sec. 4. Section 216A.136, Code 2007, is amended by adding
the following new subsection:

NEW SUBSECTION. 13. Employment records maintained under
section 96.11.

Sec. 5. NEW SECTION. 216A.139 SEX OFFENDER RESEARCH
COUNCIL.

1. The division shall establish and maintain a council to
study and make recommendations for treating and supervising
adult and juvenile sex offenders in institutions,
community-based programs, and in the community.

2. Members of the council shall include members of the
general assembly selected by the legislative council and one
representative of each of the following:

- a. The department of corrections.
- b. The department of human services.
- c. The department of public safety.
- d. The state public defender.
- e. The department of public health.

3 4 f. The juvenile court appointed by the judicial branch.
3 5 g. A judicial district department of correctional
3 6 services.
3 7 h. The board of parole.
3 8 i. The department of justice.
3 9 j. The Iowa county attorneys association.
3 10 k. The American civil liberties union of Iowa.
3 11 l. The Iowa state sheriffs' and deputies' association.
3 12 m. The Iowa coalition against sexual assault.
3 13 3. The council shall study the following:
3 14 a. The effectiveness of electronically monitoring sex
3 15 offenders.
3 16 b. The cost and effectiveness of special sentences
3 17 pursuant to chapter 903B.
3 18 c. Risk assessment models created for sex offenders.
3 19 d. Determining the best treatment programs available for
3 20 sex offenders and the efforts of Iowa and other states to
3 21 implement treatment programs.
3 22 e. The efforts of Iowa and other states to prevent sex
3 23 abuse related crimes including child sex abuse.
3 24 f. Any other issues the council deems necessary, including
3 25 but not limited to computer and internet sex-related crimes,
3 26 sex offender case management, best practices for sex offender
3 27 supervision, the sex offender registry, and the effectiveness
3 28 of safety zones.
3 29 4. The council shall submit a report, beginning January
3 30 15, 2009, and every year thereafter by January 15, to the
3 31 governor and general assembly regarding actions taken, issues
3 32 studied, and council recommendations.
3 33 5. Members of the council shall receive actual and
3 34 necessary expenses incurred while attending any meeting of the
3 35 council and may also be eligible to receive compensation as
4 1 provided in section 7E.6. All expense moneys paid to the
4 2 nonlegislative members shall be paid from funds appropriated
4 3 to the division. Legislative members shall receive
4 4 compensation as provided in sections 2.10 and 2.12.
4 5 6. Vacancies shall be filled by the original appointing
4 6 authority in the manner of the original appointments.
4 7 Sec. 6. 2005 Iowa Acts, chapter 158, section 52, is
4 8 repealed.

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4 13 JOHN P. KIBBIE
4 14 President of the Senate
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4 18 PATRICK J. MURPHY
4 19 Speaker of the House

4 20 I hereby certify that this bill originated in the Senate and
4 21 is known as Senate File 2036, Eighty-second General Assembly.
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4 26 MICHAEL E. MARSHALL
4 27 Secretary of the Senate

4 28 Approved _____, 2008
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4 31 CHESTER J. CULVER
4 32 Governor